



A BILL FOR AN ORDINANCE

RELATING TO UNLAWFUL DISPOSAL OF REFUSE OR BULKY WASTE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address the illegal disposal of refuse and bulky waste upon public streets, roadsides, alleys, highways and public places within the City and County of Honolulu.

SECTION 2. Section 9-1.2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding new definitions of "Motor vehicle," "Registered owner," "Rental or U-drive motor vehicle," and "Vehicle," to read as follows:

"Motor vehicle" means every vehicle that is self-propelled or is propelled by electric power but not operated upon rails, but excludes a moped.

"Registered owner" means a person who holds unencumbered title to a vehicle, a buyer under a purchase money security interest, or a debtor under any security interest.

"Rental or U-drive motor vehicle" means a motor vehicle that is rented or leased for a period of six months or less.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway or highway, but excludes devices moved by human power or devices used exclusively upon stationary rails or tracks and mopeds."

SECTION 3. Section 9-1.10, Revised Ordinances of Honolulu 1990 ("Prohibited activities"), is amended to read as follows:

"Sec. 9-1.10 Prohibited activities.

- (a) No person shall throw, drop, place, dump or deposit refuse, to include bulky wastes, on a street, roadside, alley, highway or public place except as provided in this chapter.
- (b) No person shall operate or use a vehicle in committing a violation of subsection (a)."



A BILL FOR AN ORDINANCE

SECTION 4. Section 9-5.3, Revised Ordinances of Honolulu 1990 ("Enforcement authority"), is amended to read as follows:

"Sec. 9-5.3 Enforcement authority.

(a) Any inspector is authorized to:

- (1) Issue a written citation pursuant to Section 9-5.1 if such enforcement officer witnesses a violation, receives a report from a private citizen witnessing a violation or has probable cause to believe that a person has violated the provisions of this chapter.
- (2) Investigate any refuse and bulky wastes found thrown, deposited, or dumped on a street, roadside, alley, ~~or~~ highway, or public place to find any personal identification contained therein.
- (3) Issue a written citation pursuant to Section 9-5.1 for violations of this chapter.
- (4) Issue a written citation pursuant to Section 9-5.1(f) for violations of Section 9-1.10. When a vehicle is used in violation of Section 9-1.10(b), the inspector is authorized to issue a written citation to the registered owner of the vehicle. The registered owner may be determined by the identification of the vehicle's license plates. If the registered owner is the lessor of a rental or U-drive motor vehicle and if the vehicle is leased at the time of the violation, the lessee at the time of the violation shall be cited and notified of the citation in the same manner as the registered owner and shall be responsible for responding to the citation.

(b) Any person who witnesses the throwing, dropping, placing, dumping or depositing of refuse or bulky wastes in violation of this chapter, including the throwing of refuse or bulky wastes from a vehicle, may report the date, time of day, location and license number of the vehicle, to any enforcement officer. It shall not be necessary that an act of illegal dumping or other violation of this article shall have occurred in the presence of or have been witnessed by an employee of the department for the director to determine that a violation has occurred.

(c) All complaints of alleged violations shall be investigated by the city. Inspectors shall, wherever practicable, inspect any refuse found on any street, highway, alley or public place, and any traceable ownership shall be subject to the



A BILL FOR AN ORDINANCE

provisions of this chapter. Reasonable evidence may be considered by the department in investigating complaints of illegal dumping or related violations, including photographs and video recordings, in determining whether a violation has occurred.

- (d) [The director is authorized to promulgate rules to administer and enforce the provisions of this chapter.] A written citation for a violation of Section 9-1.10 shall contain information identifying or describing the location of the violation, the date and time the violation occurred or was discovered, a copy of any photograph or digitized image of the violation, provided that the inspector uses such photograph or image in issuing the citation, and the license plate number of any vehicle used. The inspector shall cause the written citation to be sent by certified mail or registered mail that is postmarked within five days of the occurrence or discovery of the violation, to the individual identified as having committed the violation, or where a vehicle was involved, to the registered owner at the registered owner's address on record with the department of customer services or appropriate motor vehicle registration agency, or, in the case of a rental or U-Drive motor vehicle, to the lessee of the vehicle at the time of the violation. If the end of the five-day period falls on a Saturday, Sunday, or holiday, then the period shall run until the end of the next day that is not a Saturday, Sunday, or holiday. Upon receipt of the citation, the individual or the registered owner or lessee shall be given fourteen days to respond to the citation by:

- (1) Paying a fine by mail; or
- (2) Requesting that a hearing be set on the matter.

A mail receipt signed by the individual, registered owner, or lessee is prima facie evidence of notification.

A rebuttable presumption exists that the registered owner or lessee of a vehicle used in committing a violation of Section 9-1.10(a) is the person who operated or used the vehicle in violation of Section 9-1.10(b). The registered owner of the vehicle shall not be presumed to be the operator or user of the vehicle for violations Section 9-1.10(b) when the vehicle or license plates have been reported stolen before the violation occurs.

- (e) In any proceeding for a violation of Section 9-1.10(b), the information contained in the citation issued in accordance with subsection (d) shall be deemed evidence that the vehicle was observed as being involved with the unlawful



CITY COUNCIL
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ORDINANCE _____

BILL **64 (2019), CD1**

A BILL FOR AN ORDINANCE

throwing, dropping, placing, dumping, or depositing of refuse or bulky wastes, on a street, roadside, alley, highway, or other public place.

- (f) The director may adopt rules to administer and enforce the provisions of this chapter."

SECTION 5. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed and stricken material or the underscoring.



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SECTION 6. This ordinance takes effect on July 1, 2020.

INTRODUCED BY:

Carol Fukunaga

DATE OF INTRODUCTION:

November 26, 2019

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu